

In a decision and order dated October 28, 2004, the Board found that the medical evidence did not establish that appellant had a ratable hearing loss, and did not support that he

would benefit from hearing aids.¹ The facts as set forth in that decision, and in a February 24, 2004 Board decision and order, are hereby incorporated by reference.²

By letter to the Office dated November 1, 2004, appellant requested reconsideration of the Office's March 29, 2004 decision finding that his hearing loss was not severe enough to be considered ratable and that the medical evidence showed that he would not benefit from hearing aids. He submitted a March 2, 2004 report from Dr. Britt Thedinger, a Board-certified otolaryngologist, and a March 11, 2004 audiogram prepared by an audiologist for Dr. Thedinger. In the March 2, 2004 report, Dr. Thedinger stated that appellant had "disabling tinnitus as a result of high frequency sensorineural hearing loss. The term disabling means that you would not be able to perform your duties as a tour superintendent." The March 11, 2004 audiogram, which was signed by an audiologist, contained hearing levels in decibels, results of speech reception threshold and discrimination testing, and a statement that reliability was excellent.

On April 11, 2005 an Office medical adviser reviewed the March 11, 2004 audiogram and stated:

"Whether the audiogram shows a ratable hearing loss is moot in that the protocol required to process hearing loss impairment ratings was not adhered to. There is no documentation regarding, to name just a few concerns, the claimant's cooperation with the testing, the calibration date of the equipment used in the testing and this claimant's last noise exposure, *etc.*

"The audiogram of March 11, 2004 provides no basis to consider a schedule award due to noise-induced hearing loss in federal employment."

By decision dated April 29, 2005, the Office found that the additional evidence was not sufficient to support that he had a ratable hearing loss, as it did not show the protocols under which the hearing loss impairment ratings was performed with the March 11, 2004 audiogram.

LEGAL PRECEDENT

An employee has the burden of proving that he or she has a compensable hearing loss related to federal employment.³ In order to establish an employment-related hearing loss, the Board requires that the employee undergo both audiometric and otologic examination; that the audiometric testing precede the otologic examination; that the audiometric testing be performed by an appropriately certified audiologist; that the otologic examination be performed by an otolaryngologist certified or eligible for certification by the American Academy of Otolaryngology; that the audiometric and otologic examination be performed by different individuals as a method of evaluating the reliability of the findings; and that all audiological equipment authorized for testing meet the calibration protocol contained in the accreditation

¹ Docket No. 04-1254 (issued October 28, 2004).

² Docket No. 03-2176 (issued February 24, 2004).

³ *Thomas J. Ingoglia*, 33 ECAB 1052 (1982).

manual of the American Speech and Hearing Association. The audiometric test results should include both bone conduction and pure tone air conduction thresholds, speech reception thresholds and monaural discrimination scores; and the otolaryngologist report must include: date and hour of examination, date and hour of the employee's last exposure to loud noise, a rationalized medical opinion regarding the relation of the hearing loss to the employment-related noise exposure and a statement of the reliability of the tests.⁴

ANALYSIS

An Office medical adviser properly pointed out that the March 11, 2004 audiogram submitted by appellant with his November 1, 2004 request for reconsideration did not meet the Office's criteria for determining the extent of hearing loss. In particular, the medical adviser noted that the audiogram did not contain the calibration date of the audiometer, and that the date and time of appellant's last noise exposure was not indicated. In addition, the audiogram was not accompanied by a report of an otologic examination by an otolaryngologist, or by a statement from such specialist on the relationship between any hearing loss and exposure to noise in employment. For these reasons, the Office properly did not use the March 11, 2004 audiogram to rate appellant's hearing loss.

CONCLUSION

The Board finds that appellant has not established that he has a compensable loss of hearing and that the Office properly denied his claim for a schedule award for hearing loss.

⁴ *Luis M. Villanueva*, 54 ECAB ____ (Docket No. 03-977, issued July 1, 2003). These standards are contained at Federal (FECA) Procedure Manual, Part 3 -- Medical, *Requirements for Medical Reports*, Chapter 3.600.8(a) (September 1994).

ORDER

IT IS HEREBY ORDERED THAT the April 29, 2005 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 30, 2005
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board